



(Counsel for the parties listed on next page)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LUPE SUBEGA,
Plaintiff,

vs.

INTEL CORPORATION,
Defendant.

No. 5:10-cv-05025 EJD

LUPE SUBEGA,
Plaintiff,

vs.

INTEL CORPORATION,
Defendant.

No. 5:11-cv-00722 EJD

**JOINT STIPULATION TO
CONSOLIDATE**

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Attorney for Plaintiff
LUPE SUBEGA

STIPULATION AND PROPOSED ORDER

This Stipulation is entered into by and between Lupe Subega and Intel Corporation.

WHEREAS, on November 5, 2010, Plaintiff Lupe Subega filed a complaint against Intel Corporation (*Lupe Subega v. Intel Corporation*, Case No. 5:10-cv-05025-EJD) (“Subega I”), which has been amended twice. The operative Second Amended Complaint in Subega I, filed on April 4, 2011, asserts wage-and-hour claims under California and federal law, alleging that Intel failed to pay Plaintiff for all hours that she worked while she was employed with Intel.

WHEREAS, on February 16, 2011, Plaintiff Lupe Subega filed a second complaint against Intel Corporation (*Lupe Subega v. Intel Corporation*, Case No. 5:11-cv-00722-EJD) (Subega II”), which has been amended once. The operative First Amended Complaint in Subega II, filed on April 8, 2011, asserts retaliation, wrongful termination, and penalties claims under California and federal law, alleging that Intel terminated Plaintiff’s employment because she complained to Intel that it failed to pay her for all hours that she worked.

WHEREAS, the parties agree that (a) the claims in both cases are related to the same incidents and events and may require the determination of similar questions of law or fact, (b) the cases are likely to require substantial duplication of judicial resources if not consolidated, (c) and consolidation will promote the interests of justice and efficiency.

NOW THEREFORE, it is hereby stipulated and agreed by all parties to these actions, by and through their undersigned counsel, that

1. The later-filed case of *Lupe Subega v. Intel Corporation*, Case No. 5:11-cv-00722-EJD be consolidated with *Lupe Subega v. Intel Corporation*, Case No. 5:10-cv-05025-EJD;
2. Intel is not hereby agreeing that Plaintiff’s claims relate back to the earliest filing or waiving any defenses based on the timeliness of Plaintiff’s claims or any other defenses;

3. Plaintiff shall file a Third Amended Complaint in the consolidated action that is agreed upon by the parties and combines, without amendment or supplementation, the claims asserted in the operative complaints in Subega I and Subega II; and
4. Intel shall have 21 days after service of the Third Amended Complaint to answer or otherwise respond to the Third Amended Complaint.

IT IS SO STIPULATED.

DATED: August 16, 2011

E. JEFFREY GRUBE
BRITTANY F. STEVENS
PAUL, HASTINGS, JANOFSKY & WALKER LLP

By: /s/ E. Jeffrey Grube
E. JEFFREY GRUBE

Attorneys for Defendant
INTEL CORPORATION

DATED: August 16, 2011

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By: /s/ Pamela Kong
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Attorneys for Plaintiff
LUPE SUBEGA

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date:

Hon. Edward J. Davila